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8 Attorneys for Plaintiff

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13  
14 UNITED STATES OF AMERICA, ) CR 03-08-70552 JCS  
15 Plaintiff, ) STIPULATION AND [PROPOSED] ORDER  
16 v. ) CONTINUING THE ARRAIGNMENT /  
17 DAPHENE VICKERS, ) PRELIMINARY HEARING DATE  
18 Defendant. )

19  
20 This matter is set for a Preliminary Hearing / Arraignment on March 16, 2009 at 9:30 am.  
21 The parties now seek to continue this date until May 7, 2009 am for the following reasons. First,  
22 the parties have met twice to discuss pre-indictment resolution and are diligently exploring the  
23 discussed possibilities. As part of these discussions, defense counsel needs to engage in some  
24 additional legal research to address the legal implications of certain resolutions. Second, since  
25 her release, the defendant has been living with her custodian and mother, Frankie Stanley, in  
26 Tyler, Texas. Ms. Stanley, requests that the continued hearing be scheduled for May 2009 to  
27 avoid her taking off additional time in April 2009 from her job, which will be to her financial

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1 detriment. The United States does not object to the custodian's request. Further, defense counsel  
2 does not believe it is in her client's best interests for the Court to hold a Preliminary Hearing  
3 within the time provided for under Federal Rule of Criminal Procedure 5.1(c) and therefore  
4 waives time under that Rule. The parties represent that granting the continuance was necessary  
5 for effective preparation of counsel, taking into account the exercise of due diligence, and that  
6 the ends of justice served by the granting of such continuance outweigh the best interests of the  
7 public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(B)(iv).

8 SO STIPULATED:

9 JOSEPH P. RUSSONIELLO  
10 United States Attorney

11 DATED: March 10, 2009

/s/  
12 DENISE MARIE BARTON  
Assistant United States Attorney

13 DATED: March 10, 2009

/s/  
14 NINA WILDER  
Attorney for DAPHNE VICKERS

16 For the foregoing reasons, this matter is continued until May 7, 2009 at 9:30 am.

17 Pursuant to the Speedy Trial Act, Title 18 United States Code, sections 3161(h)(8)(A) and  
18 3161(h)(8)(B)(iv), the ends of justice are served by granting the requested continuance, given that  
19 failure to do so would deny counsel effective preparation, taking into account the exercise of due  
20 diligence, and the request of the defendant's custodian. Accordingly, time shall be excluded  
21 from March 16, 2009<sup>9</sup> through May 7, 2009.

23 SO ORDERED.

25 DATED: 3/12/09

Honorable Edward M. Chen  
United States Magistrate Court Judge

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